

A G R E E M E N T
BETWEEN
THE GOVERNMENT OF THE SLOVAK REPUBLIC
AND
THE GOVERNMENT OF THE ITALIAN REPUBLIC
ON POLICE COOPERATION
PREAMBLE

The Government of the Slovak Republic
and
the Government of the Italian Republic

hereinafter referred to as the “Parties”,

BEING AWARE that criminal phenomena related to organized crime, illegal migration, trafficking in human beings, illicit trafficking in narcotic substances, psychotropic substances and drug precursors, as well as terrorism, considerably affect both Countries, jeopardizing public order and security, the welfare and physical integrity of their citizens;

CONSIDERING the Single Convention on Narcotic Drugs, done at New York on 30 March 1961, as amended by its Protocol, done at Geneva on 25 March 1972; the Convention on Psychotropic Substances, done at Vienna on 21 February 1971; the UN Convention on the Illicit Traffic in Narcotic Drugs and Psychotropic Substances done at Vienna on 20 December 1988; the UN Convention against transnational organized crime, done at Palermo on 12 December 2000, and its Additional Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and against the Smuggling of Migrants by Land, Sea and Air, done at New York on 15 November 2000, as well as the Additional Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, done at New York on 31 May 2001; the UN Convention against Corruption done at New York on 31 October 2003; the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, done at Paris on 14 November 1970; the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage, done at Paris on 16 November 1972; as well as the UN General Assembly Resolution No. 45/123 of 14 December 1990 on International Cooperation in the fight against organized crime;

RECALLING the Convention of the Council of Europe for the Protection of Individuals with regard to Automatic Processing of Personal Data, done at Strasbourg on 28 January 1981 and the related Additional Protocol regarding supervisory authorities and transborder data flows, done at Strasbourg on 8 November 2001; Recommendation R (87) 15 adopted by the

Committee of Ministers of the Council of Europe on 17 September 1987, regulating the use of personal data in the police sector as well as Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA;

RECALLING the Security Agreement between the Government of the Slovak Republic and the Government of the Italian Republic on the mutual protection of classified information done at Rome on 14 April 2005;

TAKING INTO ACCOUNT Council of the European Union Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime; Council of the European Union Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime; as well as Council of the European Union Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union;

RESPECTING the sovereignty of both States;

have agreed as follows:

TITLE I – COMPETENT AUTHORITIES

Article 1

Competent Authorities

The Competent Authorities responsible for implementing this Agreement are the following:

- a) For the Government of the Slovak Republic:
The Ministry of Interior of the Slovak Republic, the Presidium of the Police Force;
- b) For the Government of the Italian Republic:
The Department of Public Security of the Ministry of Interior.

TITLE II – GENERAL PROVISIONS

Article 2

Areas of cooperation

(1) The Competent Authorities shall cooperate in order to prevent and fight crime in all its forms in the following areas:

- a) Transnational organized crime;
- b) International terrorism and its financing;
- c) Illicit production and possession of narcotic and psychotropic substances, poisons or precursors in case of crimes that are punishable under the national legislation of both Countries and trafficking in narcotic and psychotropic substances, poisons or precursors;
- d) Illicit trafficking in weapons, ammunitions, explosives as well as in chemical, biological, radioactive and nuclear substances;
- e) Environmental crimes and illegal trafficking in protected species
- f) Crimes against life and physical integrity;
- g) Irregular immigration;
- h) Trafficking in persons and smuggling of migrants;
- i) Trafficking in human organs;
- j) Sports extremism and violent supporters;
- k) Child pornography and sexual abuse of children;
- l) Property crimes;
- m) Corruption and bribery crimes;
- n) Crimes related to theft and illicit trafficking in vehicles;
- o) Economic crimes and money laundering, also with the aim of localizing illicit assets and infiltration in public procurements;
- p) Cybercrime;
- q) Search for fugitives;
- r) Money forgery and counterfeiting in general;
- s) Protection of cultural heritage;
- t) Counterfeiting of medical products;
- u) identification of mass disasters victims (DVI);
- v) food counterfeiting and protection of “made in Italy” products;
- w) crimes against health and work safety in the workplace;
- x) labour exploitation in relation to trafficking in persons

(2) The cooperation under this Agreement shall not affect the legal assistance, which lies within the competence of the judicial authorities of the Parties. This Agreement shall not affect the obligations of the Parties deriving from international agreements governing the legal assistance of the judicial authorities, as well as those deriving from relevant legally binding acts of the European Union.

Article 3

Forms of cooperation

- (1) The forms of cooperation in the areas envisaged by Article 2, shall include:
- a) Exchange of information on:
- i. Crimes, criminals, suspects, criminal organizations, in particular transnational organizations, their modus operandi, structures and contacts;
 - ii. Fugitives;
 - iii. Drug trafficking in both Countries, narcotic drugs and psychotropic substances, their chemical precursors and the related crimes, places and methods of production and manufacturing or sources of drug supply, the new psycho-active substances, channels and means used by traffickers for drug import, export, transport and trade, also through electronic networks, concealing techniques, as well as methods of anti-drug border checks, employment of new technologies for countering activities, including training methods and the use of drug canine units, the main drug analysis techniques, drug prices and the related variations, as well as natural persons, organizations, companies and bodies involved in international drug trafficking;
 - iv. Terrorism-related crimes, terrorists, terrorist organizations and groups, their modus operandi, structures, networks and contacts;
 - v. Crimes related to violence during sports events as well as to violent supporters, their modus operandi, structures, networks and contacts;
 - vi. Illicit trafficking in weapons, ammunitions, explosives as well as chemical, biological, radioactive and nuclear substances, or goods and technologies of strategic nature, or military materials;
 - vii. Environmental crimes;
 - viii. Legislative and scientific instruments to combat crime, including information on criminal and terrorist threat analysis;
 - ix. Methods used to combat irregular immigration, smuggling of migrants and trafficking in human beings;
 - x. Passports and other travel documents, the granting of residence permits, visas, entry and exit stamps, identity documents, driving licenses and vehicles registration documents, in order to identify false documents (counterfeits, forged documents, stolen blanks/unofficially issued documents), registration numbers of vehicles and identification data VIN for the purpose of finding the owner or holder of the vehicle;
 - xi. Economic crimes, money laundering and re-employment of money, operational techniques and practices to detect, localize and trace illicit assets, as well as to prevent and suppress criminal infiltrations in companies participating in public contract and/or tender procedures;
 - xii. Cybercrime;
 - xiii. Cyber security incidents to the extent of their competence under the national law;
 - xiv. Crimes concerning child pornography and sexual abuse of children;
 - xv. Crimes in the area of cultural heritage;
 - xvi. Professional training and retraining, also through courses and seminars on the good practices of law enforcement personnel, the use of special techniques and new

technical, scientific and investigation methodologies, with particular reference to the fight against transnational crime in all its forms, international drug trafficking and international terrorism;

- xvii. Theoretical and practical deployment and exploitation of information and technical means, as well as operative and search means;
- xviii. Identification of mass disasters victims (DVI), especially in cases involving citizens of both countries who were in the territory of the other country during the said incident;
- xix. Counterfeiting of medical products;
- xx. Other cooperation aspects which the Competent Authority of either Party believes to be of interest to the other Competent Authority in order to prevent and suppress prosecutable acts.

b) Cooperation in the following areas:

- i. Joint study, research and analysis of the legislative instruments and procedures in force in both Countries in the field of special operations, the preventive and criminal seizure and confiscation of goods and utilities deriving from illicit drug trafficking, the technical and scientific means to improve prevention and suppression of the illicit trafficking in drugs and chemical precursors;
- ii. Exchange of best practices on the monitoring of criminal infiltrations in companies participating in public contract and/or tender procedures;

c) Adoption of joint operational measures, in compliance with the relevant national legislation of the Parties, including controlled deliveries and undercover operations,

d) Creation of joint teams for the identification of victims of mass disasters (DVI) in accordance with the national legislation of the Parties.

(2) The Party in whose territory joint operational measures, including undercover operations, referred to in letter c) of paragraph 1 of this Article, take place shall guarantee to the other Party's police personnel the same level of protection and assistance as that guaranteed to its own police personnel.

Article 4

Requests for Assistance

(1) In the framework of this Agreement, the Competent Authorities of the Parties shall provide mutual assistance upon ad hoc requests.

(2) The requests for assistance shall be submitted in writing. In case of emergency, requests may be made orally, but they shall be confirmed in writing within seven (7) working days.

(3) Requests for assistance shall contain:

- The name of the Competent Authority of the Party requesting assistance and the name of the Competent Authority of the Party to whom the request for assistance has been submitted;
- Detailed information on the case;
- Aims and reasons for the request;
- A description of the requested assistance;
- Any other information which may contribute to the effective execution of the request.

(4) Unless otherwise provided for in Article 13 par. 2 of this Agreement, with regard to the exchange of contact points, the requests under par. 1 of this Article and the relevant answers shall be dealt with directly by the competent central national Offices of the Parties. The central national Offices are the following:

a) For the Government of the Slovak Republic:

The Ministry of Interior of the Slovak Republic, The Presidium of the Police Force - Bureau of International Police Cooperation;

b) For the Government of the Italian Republic:

The Department of Public Security of the Ministry of Interior – Central Directorate of Criminal Police – International Police Cooperation Service.

(5) The requests may also be submitted through the communication channels of international police cooperation.

Article 5

Refusal of assistance

(1) The request for assistance may be rejected totally or partially if the Competent Authority of the requested Party believes that the execution of the request might negatively impact on human rights and fundamental freedoms and/or jeopardize the sovereignty, domestic security, public order or other fundamental interests of the requested Party, or if it conflicts with its domestic legislation or international obligations.

(2) The assistance may also be rejected if the execution of the request implies an excessive burden on the financial resources of the Competent Authority of the requested Party.

(3) Before deciding on the refusal of a request for assistance, the Competent Authority of the requested Party shall confer with the Competent Authority of the requesting Party in order to decide whether the assistance may be provided under different conditions.

If the Competent Authority of the requesting Party accepts to receive assistance under the proposed conditions, the Competent Authority of the requested Party shall comply with said conditions.

(4) The motivated decision on total or partial refusal of a request for assistance shall be communicated to the Competent Authority of the requesting Party in writing.

Article 6

Execution of the requests

(1) The Competent Authority of the requested Party shall adopt all the measures necessary to guarantee the timely and full execution of the requests, immediately informing the Competent Authority of the requesting Party of the relevant outcome.

(2) The Competent Authority of the requesting Party shall be immediately informed on any circumstance hindering or delaying considerably the execution of the request.

(3) If the execution of the request does not fall within the powers of the Competent Authority of the requested Party, the latter shall immediately inform the Competent Authority of the requesting Party thereof, and transmit the relevant request to the third Competent Authority.

(4) The Competent Authority of the requested Party may ask for all the information which it considers necessary to effectively execute the request.

(5) When executing the request, the law of the requested Party shall apply.

Article 7

Unrequested Assistance

In particular cases, the Competent Authorities of the Parties may, in compliance with their national legislations, provide each other information, also without a prior request, if they think that such information could be important to prevent, thwart or suppress threats to security and public order, or to combat crime.

TITLE III – PARTICULAR FORMS OF POLICE COOPERATION

Article 8

Forms of joint intervention, seconding of experts

(1) In order to intensify cooperation, the Competent Authorities may set up joint teams to carry out advisory, assistance and analysis tasks as well as any other task envisaged by their national legislations.

(2) The Competent Authorities may decide to second liaison experts for a certain period of time in order to promote and speed up the cooperation, mainly in relation to information exchange and fulfillment of assistance requests.

Article 9

Protection of witnesses and collaborators with justice

(1) The Competent Authorities shall cooperate, in accordance with their national laws, to protect witnesses, collaborators with justice and their family members, hereinafter referred to as “*persons to be protected*”.

(2) Cooperation shall include, in particular, relocation, exchange of information necessary for the protection of persons to be protected, as well as technical and logistical support.

(3) The terms of the relocation, assistance and protection of the persons to be protected shall be stipulated on a case-by-case basis through implementation of arrangements between the Competent Authorities of the Parties.

(4) Persons to be protected who are admitted to the program for the protection of witnesses and collaborators with justice of the requesting Party shall not be integrated into the program for the protection of witnesses and collaborators with justice of the requested Party. In the framework of the cooperation concerning said persons, the law of the requested Party shall apply.

(5) The requesting Party shall bear all costs related to the persons to be protected as well as the expenses related to other measures whose adoption it requested and any other expense related to daily life. The requested Party shall cover the burdens derived from the deployment of police personnel responsible for protection services.

(6) The requested Party may terminate cooperation if it is justified by serious grounds and upon previous notification to the requesting Party. In such cases, the requesting Party shall take the persons to be protected back into its custody. All the options and means to terminate cooperation in a specific case shall be stipulated in an ad hoc arrangement as envisaged in par. 3 of this Article.

TITLE IV – DATA PROTECTION

Article 10

Limits to the use of information and documents and organizational measures

(1) The mutual protection of personal data exchanged between the Competent Authorities of the Parties shall be performed in compliance with the national legislation of the Parties and applicable international law.

(2) Each Party shall ensure a level of protection of the personal data acquired under this Agreement at least equal to that ensured by the other Party and it shall adopt the necessary technical measures to protect personal data against accidental or unlawful destruction, accidental loss or unauthorized disclosure, alteration, access or any unauthorized form of processing. The Parties shall take all reasonable measures to ensure that only authorized persons have access to such data.

(3) The Parties shall ensure that personal data and the other sensitive information transmitted under this Agreement shall be used exclusively for the purposes for which they were transmitted and in conformity with the conditions laid down by the supplying Party.

(4) Personal data and the other sensitive information exchanged between the Parties shall be protected under the same standards as those applied to national data, in compliance with their respective national laws.

(5) The supplying Party shall ensure that the data are accurate, complete and updated, as well as appropriate and relevant to the purpose for which they were transmitted.

(6) The information and documents supplied by a Competent Authority in compliance with this Agreement may not be disclosed to any third party or used for purposes other than those for which they were requested and supplied, unless upon previous consent in writing of the authorized supplying Competent Authority.

(7) Upon request of the transmitting Party, the receiving Party is obliged to correct, block or delete, in conformity with its national legislation, those data received under this Agreement that are incorrect or incomplete or if their collection or further processing contravenes this Agreement or the provisions applicable to the transmitting Party.

(8) When a Party becomes aware that the data it has received from the other Party under this Agreement is not accurate, it shall take all appropriate measures to prevent an erroneous reliance on such data, including, in particular, integration, deletion or correction of the data.

(9) Each Party shall notify the other if it becomes aware that the data it has transmitted to the other Party or received from the other Party under this Agreement is inaccurate or unreliable or might give rise to doubts. If it is confirmed that the transmitted

data is inaccurate, each Party processing the data shall adopt all necessary measures to correct the information.

TITLE V – FINAL PROVISIONS

Article 11

Expenses

(1) Ordinary expenses incurred while processing a request under this Agreement shall be borne by the requested Party, unless otherwise agreed upon by the Parties in writing. In case the request involves considerable or extraordinary expenses, the Parties shall consult each other to establish terms and conditions for the processing of the request as well as cost bearing modalities.

(2) Unless otherwise agreed upon by the Parties, expenses related to meetings shall be borne by the receiving Party, whereas expenses related to travel and accommodation of delegates shall be borne by the sending Party.

Article 12

Damage liability

(1) If in the implementation of the activities under this Agreement, the officers of one Party cause damage on the territory of the other Party, the latter shall be liable towards third parties who suffered damage under the same conditions and to the same extent applicable to damages caused by its own officers, having jurisdiction *ratione loci* and *ratione materiae*.

(2) The Party that compensated the persons who suffered damages or their dependents shall be reimbursed by the other Party unless the activity has been carried out upon its request. In case of damages to the Parties, the Parties shall waive the right to be compensated unless the officers caused the damage intentionally or through gross negligence.

Article 13

Implementation of the Agreement

(1) For the purpose of implementing this Agreement, the Competent Authorities may establish the administrative, technical and practical aspects of cooperation through subsequent implementing technical arrangements.

(2) In addition to the provisions under this Agreement on the implementation of police cooperation, the Competent Authorities may designate possible further contact points by way of subsequent exchange of information.

Article 14

Applicable Law

This Agreement shall be implemented in accordance with applicable international law and the obligations arising from the Parties' membership of the European Union.

Article 15

Communication language

In the framework of cooperation under this Agreement, the Competent Authorities shall use Slovak, Italian and English as their communication languages, or another language envisaged by the utilized channels of cooperation.

Article 16

Consultations between experts and settlement of disputes

(1) Either Party may request a meeting of experts of the Parties in order to solve issues relating to the implementation of this Agreement, as well as to submit proposals for the development of cooperation.

(2) Possible disputes regarding the interpretation or implementation of this Agreement shall be settled amicably through negotiations and mutual consultations between the Parties.

(3) When necessary, the Competent Authorities may organize meetings and consultations, in the Slovak Republic and in the Italian Republic, alternatively, to assess the development of cooperation and to enhance its effectiveness.

Article 17

Duration, entry into force and denunciation

(1) This Agreement shall enter into force on the thirtieth (30) day following the date of the receipt of the last of the two notifications by which the Parties inform each other through diplomatic channels that their respective internal procedures for its entry into force have been fulfilled.

(2) This Agreement shall remain valid for an indefinite period. Each of the Parties may terminate this Agreement by notifying the other Party of its intention to terminate

it through diplomatic channels. The Agreement shall expire six (6) months after the date of receipt of the termination notification from the other Party.

(3) The Parties may amend this Agreement in writing. The amending agreements shall enter into force through the same procedure set forth in paragraph 1 of this Article.

(4) On the date of the entry into force of this Agreement ends the validity of the Agreement between the Government of the Slovak Republic and the Government of the Italian Republic on the fight against terrorism, organized crime and illicit trafficking in narcotic drugs and psychotropic substances, done at Bratislava on 19 April 2002

IN WITNESS THEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

Done at.....on..... in two originals, each in the Slovak, Italian and English languages, all texts being equally authentic. In case of any divergence in the interpretation, the text in English shall prevail.

**FOR
THE GOVERNMENT OF THE
SLOVAK REPUBLIC**

**FOR
THE GOVERNMENT OF THE
ITALIAN REPUBLIC**